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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/489,817	01/24/2000	Muhammed Habibur Rahman	674550-2001	6308
20999	7590	06/02/2004	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			MCELWAIN, ELIZABETH F	
			ART UNIT	PAPER NUMBER
			1638	

DATE MAILED: 06/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20040528

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**Commissioner for Patents**

Art Unit: 1638

1. The amendment filed on March 5, 2004 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the claims that are newly submitted are drawn to a wholly different method than that which has already been examined on the merits. The present claims are drawn to a method comprising crossing Brassica plants to produce a Brassica plant that produces seeds having a stable and uniform yellow phenotype. However, the claims that have been examined on the merits were drawn to a method comprising transferring one or more transparent seed coat genes into a Brassica CC genome to prepare a transformed Brassica CC genome. It is noted that in the telephonic interview of February 26, 2004 the deletion of "transformed" from the claims was discussed. However, it was unclear at the time what the wording of the new claims would be, and that they would be drawn to a patentably distinct method from those that have already been examined. The claims that are currently pending would require a new search, as they are drawn to a distinct method having different method steps, and the new search and examination of this distinct invention would be an undue burden.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth F. McElwain whose telephone number is (571) 272-0802. The examiner can normally be reached on increased flex time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amy Nelson can be reached on (571) 272-0804. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Elizabeth F. McElwain, Ph.D.  
Primary Examiner  
Art Unit 1638

EFM